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Part II—Section 2

Notifications or Orders of interest to a Section of the public
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NOTIFICATIONS BY GOVERNMENT

RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT

GUIDELINES ON COMPENSATION FOR DELAYED WAGES PAYMENT UNDER MAHATMA GANDHI NATIONAL
RURAL EMPLOYMENT GUARANTEE ACT, 2005

[G.O. Ms. No. 25, Rural Development and Panchayat Raj (CGS.1), 11th March 2022,
மாசி 27, பிலவ, திருவள்ளுவர் ஆண்டு-2053.]

No. II(2)/RDPR/142(d)/2022.

1. (i) These guidelines may be called "the Mahatma Gandhi National Rural Employment Guarantee Scheme – Delay Compensation Guidelines (Tamil Nadu), 2022-Delay Compensation, in case wages is not made to MGNREGS workers within 15 days from the date of closure of Muster Roll"

2. **Definitions-** In these guidelines, unless the context otherwise requires:-

- (a) "Act" means the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (Central Act 42 of 2005);
- (b) "Notification" means a notification published in the Official Gazette;
- (c) "Government" means Government of Tamil Nadu;
- (d) "Scheme" means Mahatma Gandhi National Rural Employment Guarantee Scheme—Tamil Nadu;"
- (e) "State Employment Guarantee Fund" means the fund created to hold all funds received from the Central Government or the State Government for the purpose of implementation of the Scheme;
- (f) "District Programme Co-ordinator" means an officer of the State Government designated as such under sub-section (1) of section 14 of the Act for implementation of the Scheme in a District. The Collector of the District is designated as the District Programme Coordinator for the implementation of the Scheme in the District.
- (g) "Additional Programme Co-ordinator" means the Project Director, District Rural Development Agency at District level.
- (h) "Programme Officer" means Block Development Officer (Village Panchayat) at the Block level.

- (i) "Job Card" means a key document that records workers entitlements like attendance, number of days worked, wage payments made etc., under MGNREGA.
- (j) "Worksite Supervisor" means one among the workers who is designated for the supervision of worksite and workers.
- (k) "Wage Rate" – Wages as Notified time to time by State, under Mahatma Gandhi National Rural Employment Guarantee Act and Scheme by Government of India / State Government as referred to in Section 6 of Act.

3. Entitlement to the workers:

As per Para 29 (1) of revised Schedule II of MGNREGA, the wage seeker is henceforth entitled to receive payment of compensation for delay in payment of wages at the rate of 0.05% of the unpaid wages per day of delay beyond the sixteenth day of closure of Muster Roll from the date of publication of this Notification.

4. Stage-wise Accountability and Time Line for Payment of Wages:

As per the Standard Operating Procedure followed in the State, the following timelines with designated person is fixed for the propose of accountability.

<i>Steps</i>	<i>Activity</i>	<i>Designation of the Persons responsible</i>	<i>Time Line</i>
I	Closure of Muster Roll (MR)	Worksite Supervisor	T (Wednesday)
II	Handing Over of Muster Roll to Technical Person (Panchayat Union Overseer/Junior Engineer/ Assistant Engineer)	Village Panchayat Secretary	T+1 (Thursday)
III	Measurement of Works	Union Overseer/ Assistant Engineer	T+3 (Friday & Saturday)
IV	Check Measurement	Assistant Engineer/ Asst. Executive Engineer	T+5 (Sunday & Monday)
V	MIS entry of Muster Roll	Computer Assistant	T+7 (Monday, Tuesday & Wednesday)
VI	Generation of FTO (1st Signatory)	Deputy Block Development Officer (MGNREGS)	T+8 (Thursday)
VII	Generation of FTO (2nd Signatory)	Block Development Officer (Village Panchayat)	
VIII	Wage Credit into the account of the worker	NIC New Delhi/PFMS New Delhi / Nodal Bank (Indian Bank, Saidapet)	9th to 15th day

Crediting the wage payment into the bank account of the worker involves 2 stages as below:

Stage-I is the responsibility of the State Government within 8 days from the date of closure of Muster Roll as detailed above.

Stage-II is the responsibility of the Government of India and it's stakeholder viz., NIC/PFMS and Nodal Bank from 9th to 15th day from the date of closure of Muster Roll as detailed above.

5. Calculation of Delay Compensation:

- (a) NREGA soft has a provision to calculate the total compensation payable, after due verification, based on the date of closure of Muster Roll (e-MR) and the date of generation of the Fund Transfer Order for the payment of wages taking into account of,
1. Date of uploading of FTO for the payment of wages into the bank account of wage seeker.
 2. Date of closure of Muster Roll
 3. The duration of such delay
 4. Total wage payable.
 5. Rate of compensation (0.05% per day).
- (b) The Exceptions when the Compensation is not payable are:
- Natural calamities.
 - Insufficient Funds
 - Technical Problems in NREGAssoft
 - When Muster Roll is freezed due to absentees or malpractice if any.
- (c) The State Government (District Programme Co-ordinator and Programme Officer in Particular) shall be responsible for operationalising the system for payment of compensation for delayed wage payments. The details are to be uploaded on NREGAssoft so that the liability of each functionary/Agency can be determined in case of a delayed payment.
- (d) Any delay in payment of compensation beyond a period of 15 days from the date, it becomes payable, shall be considered in the same manner as the delay in payment of wages.

6. Authority for Sanctioning and Payment of Delay Compensation:

The delay compensation shall be Sanctioned and disbursed by the Programme Officer / Block Development Officer (Village Panchayat) of the Block concerned.

7. Accounting for Compensation paid:

- (a) The compensation shall be met from the State Employment Guarantee Fund (SEGF) upfront. This must be recovered from the functionaries/ agencies responsible for the delay
- (b) For accounting of the compensation paid, a separate head of account within State Employment Guarantee Fund (SEGF) account of MGNREGA shall be maintained and reflected in the MIS under e-FMS. The amount so recovered from the responsible officers shall be reimbursed into SEGF.

8. Process of Approval of Recovery:

- (a) Assistant Project Officer (WE) as a nominee of the Additional District Program Co-ordinator/Project Director shall obtain the details of delayed payment from 'NREGAssoft' available in Government of India website www.nrega.nic.in on a weekly basis. Detailed analysis has to be made and responsibility shall be fixed on the functionary/functionaries responsible for the delay as mentioned in para 5 of this rule. A detailed order indicating the recoveries shall be approved by the Assistant Programme Officer (Wage and Employment) who is authorised by District Programme Co-ordinator/District Collector.
- (b) The entire proceedings of either approval for recovery or rejection incertain cases shall be completed within 15 days.
- (c) The official on whom recovery for delay compensation is made should be clearly indicated in the recovery order and a maximum of 30 days can be provided for paying the recoverable amount.
- (d) Assistant Project Officer (WE) as a nominee of the Additional District Program Co-ordinator/Project Director shall follow the extant recovery procedures to recover the compensation amount so paid under the system from the functionaries/agencies responsible for such delay in payment of wages. The amount so recovered shall be reimbursed into SEGF.

9. Appeal:

In case of any dispute concerning the payment of delay compensation and proceedings of recovery, the Additional District Programme Co-ordinator as a nominee of District Programme Co-ordinator/District Collector shall be the appellate authority and the decision of Additional District Programme Coordinator will be the final.

The Director, Rural Development & Panchayat Raj shall be vested with the powers to issue necessary instructions and modification in consultation with Principal Secretary/Additional Chief Secretary, Rural Development and Panchayat Raj Department and to operationalise these guidelines.

P. AMUDHA,
Principal Secretary to Government.